

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

---

**GERARD T. GAUL,**  
**Plaintiff,**

**v.**

**UNITED STATES GOVERNMENT,**  
**Defendant.**

---

)  
)  
)  
) **Civil Action No.**  
) **17-12189-IT**  
)  
)  
)  
)

**MEMORANDUM AND ORDER**

**February 5, 2018**

**TALWANI, D.J.**

For the reasons stated below, this action is dismissed without prejudice.

**I. Background**

By Memorandum and Order dated January 3, 2018, the Court, among other things, directed Gaul to file a Second Amended Complaint curing various pleading deficiencies, failing which this action would be dismissed. The Court's records indicate that Gaul has not filed a Second Amended Complaint and the time to do so has expired.

**II. Discussion**

It is a long-established principle that this Court has the authority to dismiss an action *sua sponte* for a plaintiff's failure to prosecute his action and his failure to follow the Court's orders. Fed. R. Civ. P. 41(b). "[T]he effective administration of justice requires that trial courts possess the capability to manage their own affairs." *Chamorro v. Puerto Rican Cars, Inc.*, 304 F.3d 1, 4 (1st Cir. 2002); accord *Vázquez-Rijos v. Anhang*, 654 F.3d 122, 127 (1st Cir. 2011) ("to operate effectively and administer justice properly, courts must have the leeway 'to establish orderly

processes and manage their own affairs' "). Further, "[t]he authority to order dismissal in appropriate cases is a necessary component of that capability." *Chamorro v. Puerto Rican Cars, Inc.*, 304 F.3d at 4.

Here, Gaul has not filed a Second Amended Complaint despite the directive that the action would be dismissed if he did not do so. The action, therefore, will be dismissed for failure to comply with the Court's order.

### **III. Order**

Based upon the foregoing, it is hereby ORDERED that

1. This action is dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute and comply with an order of the Court; and
2. The Clerk shall enter a separate order of dismissal.

**So ordered.**

/s/ Indira Talwani  
Indira Talwani  
United States District Judge

Dated: February 5, 2018